

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**January 27, 2005**

## DIVISION ONE

B172427 People (Not for Publication)  
v.  
Juan S.

We modify conditions 15, 16, and 21 as stated in section II. We remand for the juvenile court to enter a new probationary order containing those modifications. In all other respects, we affirm the delinquent wardship order.

Suzukawa, J. (Assigned)

We concur:   Mallano, Acting P.J.  
                      Vogel (Miriam A.), J.

B177285      People      (Not for Publication)  
v.  
Michael A. Bell

The order is modified to strike the parole revocation fine. As modified, the order is affirmed. The matter is remanded for the trial court to issue a new order striking the parole revocation fine, prepare an amended abstract of judgment accordingly and forward the correct abstract to the Department of Corrections.

Suzukawa, J. (Assigned)

We concur:   Mallano, Acting P.J.  
                      Vogel (Miriam A.), J.

January 27, 2005 (Continued)

## DIVISION ONE (Continued)

B177897 People (Not for Publication)  
v.  
Robert Bailey

The judgment is affirmed.

Suzukawa, J. (Assigned)

We concur:   Mallano, Acting P.J.  
                      Vogel (Miriam A.), J.

B176167 People (Not for Publication)  
v.  
Dante H.

We modify conditions 15 and 16 as stated in the discussion section above. The matter is remanded to the juvenile court to enter a new probationary order containing these modifications. As modified, the delinquent wardship order is affirmed.

Suzukawa, J. (Assigned)

We concur:   Mallano, Acting P.J.  
                      Vogel (Miriam A.), J.

## DIVISION TWO

B169889      The People      (Not for Publication)  
v.  
Aegis Security Insurance Company

The order under review is reversed. The matter is remanded to the trial court with directions to vacate the forfeiture and exonerate the bond. Each party shall bear its costs of appeal.

Nott, J.

We concur: Boren, P.J.  
Ashmann-Gerst, J.

## January 27, 2005 (Continued)

## DIVISION TWO (Continued)

B170702 Hawks (Not for Publication)

v.  
Hawks  
Menke

The order under review is reversed. Menke is to bear his costs on appeal.

Nott, Acting P.J.

We concur:   Doi Todd, J.  
                   Ashmann-Gerst, J.

B172319 People (Not for Publication)

V.  
Guzman

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

B174347 People (Not for Publication)

V.  
Gordon

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Doi Todd, J.

DIVISION TWO (Continued)

B176702      Cassandra D.                      (Not for Publication)  
                 v.  
                 DCFS  
                 Destiny D.

The orders appealed from are affirmed.

Nott, J.

We concur:    Boren, P.J.  
                 Doi Todd, J.

B173760      DCFS                                      (Not for Publication)  
                 v.  
                 Alejandro M.  
                 Cecilia M.

The order appealed from is affirmed.

Nott, J.

We concur:    Boren, P.J.  
                 Doi Todd, J.

DIVISION THREE

B176112      People                                      (Not for Publication)  
                 v.  
                 Estelle W.

The order of juvenile court is affirmed.

Klein, P.J.

We concur:    Croskey, J.  
                 Kitching, J.

January 27, 2005 (Continued)

### DIVISION THREE (Continued)

[illegible]

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

[illegible]

The order granting probation is modified by modifying probation condition number 21, to read: "You are not to use or possess narcotics, controlled substances, poisons or related paraphernalia, and you must stay away from places where you know users congregate." As modified, the order granting probation is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B174892      People                                  (Not for Publication)  
v.  
**Anthony**

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Kitching, J.

January 27, 2005 (Continued)

### DIVISION THREE (Continued)

(Certified for Publication)

B172017 American Casualty Company of Reading, Pa., et al.

V.

# General Star Indemnity Company

The judgment is affirmed. General Star shall recover its costs on appeal from American.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

DIVISION SIX

B172000 Alvarez (Not for Publication)

V.

Behniwal

The judgment is affirmed. Respondents are awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.  
Perren, J.

B167028 Parker (Certified for Publication)

V.

McCaw

The judgment is reversed concerning confirmation of the arbitration award regarding the Ampersand Telecom agreement and any attorney's fees awarded thereupon. The judgment is otherwise affirmed. McCaw shall recover costs on appeal.

Gilbert, P.J.

We concur: Coffee, J.  
Perren, J.

January 27, 2005 (Continued)

DIVISION SIX (Continued)

[illegible]

The judgment is affirmed.

Yegan, Acting P.J.

I concur: Coffee, J.  
I dissent: Perren, J. (Opinion)

## DIVISION EIGHT

Court convened at 9:01A.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

Each of the following:

B172041 People v. Lopez  
B171170 People v. Yin  
B176367 DCFS v. Teodoro H.  
B175630 DCFS v. Davin O. and Zaida O.  
B176524 DCFS v. Diane R. and Raul S.

Argument waived, cause submitted.

B174251 Sanchez  
v.  
Zarate-Rowell

Merits:  
Argued by Richard Garrigues for appellant and by Glenn Clark for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B168361     Joseph Vielmette, Jr.  
              v.  
              Margaret Vielmette  
              Vielmette Living Trust Dated August 28, 1991

Merits:

Argued by Edward M. Burgh for appellant and by Kavon Adli for respondent. Cause submitted.

B173470     Kissinger  
              v.  
              HSBC Bank USA

Merits:

Argued by David S. White for appellant and by James French for respondent. Cause submitted.

B171826     People  
              v.  
              Mendez

Merits:

Argued by Donald R. Tickle for appellant and by A. Scott Hayward, Deputy Attorney General, for respondent. Cause submitted.

B172415     Steinhebel et al.  
              v.  
              Los Angeles Times Communications

Merits:

Argued by Mark R. Thierman for appellants and by Thomas Kaufman for respondent. Cause submitted.



DIVISION EIGHT (Continued)

B164004     Bouton et al.  
              v.  
              Wing et al.

Merits:

Argued by Gary Bouton and Rita Bouton, appellants in propria persona and by Deborah Perlman for respondents. Cause submitted.

B172913     Village Northridge  
              v.  
              State Farm Fire & Casualty Company

Merits:

Argued by Brian Heffernan for appellant and by Edwin B. Brown for respondent. Cause submitted.

B167733     Warren  
              v.  
              West Covina Plan IPA, Inc.

Merits:

Argued by Glenn Ward Calsada for appellant and by Stephen G. Auer for respondent. Cause submitted.

B168627     Banc of America etc.  
              v.  
              Plycraft Industries, Inc.

Oral argument continued to March 24, 2005, at 1:00 p.m.

Court recessed at 12:07 p.m.

Court reconvened at 1:03 P.M.

Present: Cooper, P.J., Rubin, J., Boland, J., Flier, J. and Emma Jean Amos, Deputy Clerk.

DIVISION EIGHT (Continued)

B169708     Davis  
              v.  
              Taxe

Merits:

Argued by Fred Rucker for appellant and by Richard Taxe respondent in propria persona and by Gregory Grantham for respondent Kathleen Taxe. Cause submitted.

B174155     People  
              v.  
              Townsend  
              In re Jonathan Townsend on Habeas Corpus

Merits:

Argued by Marylou Hillberg for appellant/petitioner and by Jennifer Jadovitz, Deputy Attorney General for respondent. Cause submitted.

B168630     Taxpayers For Livable Communities et al.  
              v.  
              City Of Malibu

Merits:

Argued by Corin L. Kahn for appellants and by Christi Hogin for respondent. Cause submitted.

B172606     Fernandes et al.  
              v.  
              Ali

Merits:

Argued by Philip L. Johnson for appellants and by Al Jinnah for respondent. Cause submitted.

DIVISION EIGHT (Continued)

B172525      King Case Industrial Company, LTD.

v.

Lemel International et al.

Merits:

Argued by John Dodd for appellants and by Joseph M. Liu for respondent.

Cause submitted.

B172367      Tactical Aerospace Corporation

v.

Reiner et al.

Merits:

Argued by Ty Vanderford for appellant and by Leonard Steiner for respondents. Cause submitted.

Court adjourned at 3:56 p.m.